



ADMINISTRATIVE PROCEDURES
Manual of Policies and Procedures

Title

**THE ESTABLISHMENT, MAINTENANCE AND DISPOSITION OF
PERSONNEL RECORDS**

Legal References (includes but is not limited to)	Related Policies/Procedures (includes but is not limited to)	Other References (includes but is not limited to)
IC 4-1-6-1 <i>et seq.</i> IC 4-25-2-39 IC 5-15-1-1 <i>et seq.</i> IC 11-8-2-5(a)(8) IC 11-8-2-5(a)(10)	00-04-102 04-03-103	ACA: ACI: 3-4040, 3-4065, 3-4066 JTS: 1B-15, 1C-21, 1C-22 CO: 2-CO-1C-23

I. DEFINITIONS:

For the purpose of these administrative procedures, the following definitions are presented:

- A. Appointing Authority: The Commissioner or designee who has the responsibility of maintaining personnel records.
- B. Official personnel file: The file maintained by the appointing authority or designee in the agency for which the employee works.
- C. Personnel records: Any record maintained by the department which pertains to the employment of a staff member, such as the application for employment, evaluations of performance and disciplinary actions, including the Supervisor/employee "fact file".
- D. Public: Any person who is not a staff member.
- E. Staff member: A person employed by the department.
- F. State Personnel Department: The agency responsible for the operation of state personnel matters.
- G. State personnel file: The record keeping system maintained by the State Personnel Department in accordance with applicable law.

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II. ESTABLISHMENT OF PERSONNEL RECORDS:

The Division/Facility Head or designee shall establish a personnel record on each staff member. This record shall be initiated at the time of the employment and shall be maintained throughout the staff person's employment.

All personnel records shall be located in a secured area and maintained in locked file cabinets with limited access. The Division/Facility Head shall designate those staff persons who have routine access to the personnel records.

III. CONTENT OF PERSONNEL RECORDS:

Personnel records shall contain any information required to maintain a factual and accurate account of staff person's work history and job performance. These records may include, but shall not be limited to the following:

- A. State employment application forms and supporting documents;
- B. Employee Performance Appraisal report with attachments;
- C. Information regarding the status of any formal charges against the staff member;
- D. Any disciplinary action against the staff member in which the final action has been taken and that resulted in the staff person being disciplined;
- E. Any staff grievance and related documentation involving the staff member (Information is maintained separate from the personnel file folder);
- F. Other information relative to the person's employment and past and present work history;
- G. Awards or commendations received from the department or other agency during the staff member's employment.
- H. Medical information (Information is maintained separate from the personnel file folder);
- I. Criminal history and background checks (Information is maintained separate from the personnel file folder).

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The personnel record of a staff member shall be accessible to that individual or that individual's representative with written authorization. Per the union agreement, AFSCME employee representatives may access their bargaining unit member personnel files without specific authorization from the staff member. The staff member may request to review the personnel record at any time during the normal business hours of the division/facility. The Division/Facility Head or designee shall permit record inspection but may limit the length of time of the review dependent upon operational considerations of the division/facility.

The staff member or designated representative may reproduce any documents in the personnel record consistent with these procedures and state law. Staff shall be charged for any copying costs consistent with the rules established by the State Department of Administration and the union settlements.

AFSCME or Unity team representatives will be granted access to the following information in the personnel files of employees in their bargaining units: gross compensation, job description, education and training background, previous work experience and disciplinary actions. In addition, other documents concerning employees in bargaining units, will be provided to AFSCME or Unity Team representatives upon presentation of a written request identifying the documents requested and the purpose of the request. The request will be granted if it is reasonably related to the investigation of a grievance and unless there is good cause for denial of disclosure. If there is a dispute concerning the propriety of certain information being released under this section, the issue shall be referred to the State Personnel Department.

V. PUBLIC ACCESS TO PERSONNEL RECORDS:

The public shall be granted access only to public records in the personnel file. Access shall be by appointment only and shall occur during the normal business hours of the division/facility. The Division/Facility Head or designee shall review the personnel file and respond to questions by the requestor of the information. At no time is the personnel file to be given to the requestor. The review is to take place in a private location and away from public view.

Public access to personnel records shall be limited to the following records in accordance with IC 5-14-3-4(b)(8):

- A. Name
- B. Gross compensation

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- C. Job title
- D. Business address
- E. Business telephone number
- F. Job description
- G. Education and training background
- H. Previous work experience
- I. Dates of first and last employment of present and former employees
- J. Information relating to the status of any formal charges against the employee
- K. Information concerning disciplinary actions in which final action has been taken and that resulted in the employee being disciplined or discharged.

All other information in the personnel record shall be classified confidential and may only be released in accordance with applicable law.

A written entry will be made on the personnel record indicating the name and address of the person reviewing the record and the date reviewed.

The public may reproduce information in the personnel record consistent with these procedures and state law. If individual requests to copy any part of the personnel record to which access is granted, the individual shall be charged a uniform fee. The fee for copying standard size (i.e., 8 1/2 x 11 or 8 1/2 x 14) documents shall be in accordance to fees established by the State Department of Administration and shall be due at the time of copying. The payment shall be made in accordance with proper accounting procedures established at the division/facility.

The Department's Legal Services Section shall be contacted immediately upon receipt of a subpoena seeking access to personnel records. Legal Services staff shall determine what action the Department will take on the subpoena.

VI. CHALLENGE OF INFORMATION IN PERSONNEL RECORDS:

A staff member may challenge any information in the personnel record at anytime. In order to do so, the staff member shall notify the Division/Facility Head or designee in writing. This notice shall indicate the staff member wishes to challenge, correct or explain information in the personnel record and shall specify exactly the information in question. The Division/Facility Head or designee shall investigate and determine the current status of the information.

If the investigation determines that the information in question is incomplete, inaccurate, not pertinent, not timely, or not necessary to be retained, the information shall be corrected or deleted from the record promptly. The staff

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member shall be notified in writing of the outcome of the investigation and the determination by the Division/Facility Head. If the investigation does not resolve the issue; the staff member may file a statement of not more than two hundred (200) words stating his/her position. When such a statement is filed any previous recipient of the disputed information shall be provided a copy of the statement and the information will be marked clearly as being disputed. In addition, any subsequent dissemination or use of the information in question shall be clearly marked as being disputed.

Following any correction or deletion of personnel information, the division/facility, at the request of the staff member, shall furnish to past recipient's notification that the item has been deleted or corrected. This notification shall be sent to the recipient's last known address and shall require acknowledgment of receipt. Notification shall be furnished to the staff member of the names and last known addresses of all past recipients of the uncorrected or undeleted information.

The Division/Facility Head or designee shall ensure all staff persons are aware of the ability to challenge information in the personnel records.

VII. RETENTION OF PERSONNEL RECORDS:

Personnel records are to be maintained and retained in accordance with the rules and regulations established by the State Personnel Department. Following employment termination storage and destruction of personnel records shall be in accordance with schedules approved by the Indiana Commission on Public Records.

VIII. APPLICABILITY:

These administrative procedures are applicable to all departmental facilities and staff.

Evelyn I. Ridley-Turner
Commissioner

Date